

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:07-CR-00297-1-F
No. 5:11-CV-00623-F

WILLIE J. BEAN,
 Petitioner,

 v.

UNITED STATES OF AMERICA,
 Respondent.

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O R D E R

Having denied Willie J. Bean's § 2255 petition [DE-72], the court inadvertently failed to address the propriety of granting a Certificate of Appealability. The court must determine whether Bean has made a sufficient showing to entitle him to a Certificate of Appealability pursuant to § 2253(c), which provides that:

(2) A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right.

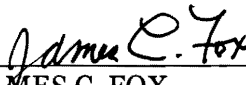
(3) The certificate of appealability . . . shall indicate which specific issue or issues satisfy the showing required by paragraph (2).

A prisoner satisfies this standard by demonstrating that reasonable jurists would find this court's assessment of his constitutional claims is debatable or wrong and that any dispositive procedural ruling by the district is likewise debatable. *See Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Rose v. Lee*, 252 F.3d 676, 683 (4th Cir. 2001).

Here, a careful review of Bean's motion, together with the record herein, leads the court to find that he has not met the standard for issuance of a certificate of appealability with regard to the Order [DE- ⁹⁰] denying his § 2255 motion. Therefore, a certificate of appealability is DENIED.

SO ORDERED.

This, the 23rd day of August, 2012.



JAMES C. FOX
Senior United States District Judge